

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TAYLOR FARMS PACIFIC, INC./SLINGSHOT  
CONNECTIONS, LLC/ABEL MENDOZA, INC.

and

Case 32-CA-116854

TEAMSTERS, LOCAL 601,  
INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS

ORDER<sup>1</sup>

Taylor Farms Pacific, Inc.'s petition to revoke subpoena duces tecum B-1-IYAUP, SlingShot Connections, LLC's petition to revoke subpoena duces tecum B-1-IYBBGB, and Abel Mendoza, Inc.'s petition to revoke subpoena duces tecum B-1-IYBG6V are denied. The subpoenas seek information relevant to the matter under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employers have failed to establish any other legal basis for revoking the subpoenas.<sup>2</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir.

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> With respect to privacy argument raised by Petitioner SlingShot, Member Johnson would find in accordance with his stated views in other subpoena cases that, to the extent that a state law privacy interest is implicated by a petitioner's privacy claim, that such privacy interest would be generally cognizable in the context of objections to Board subpoenas. See *Taylor Farms Pacific, Inc./Slingshot Connections, LLC/Abel Mendoza, Inc.*, 32-CA-116854 (order denying petition issued 05/23/2014). However, here, Petitioner SlingShot has failed to establish that the asserted state employee privacy rights would prevail when balanced against the government's need for the sought-after information. To aid in its evaluation of the Union's contentions of majority support in this case, the Region requested that the Employers provide the Region with the payroll records and signature samples of the unit employees at those facilities in order to authenticate union authorization cards. Petitioner has failed to establish that there is a

1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).<sup>3</sup>

Dated, Washington, D.C., February 6, 2015.

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

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privacy interest in sample signatures, much less payroll records required to be kept by law, nor that such interest would outweigh the Region's need to determine whether the Union actually obtained majority support for potential remedial purposes.

<sup>3</sup> Petitioner SlingShot argues that some of the requested information is not in its possession, but rather is in the possession of SlingShot's vendor, Quality Farm Labor (QFL). Although the subpoena cannot compel SlingShot to produce information it does not possess, it does compel SlingShot to seek that information from QFL. If QFL does not comply with a request for the information from SlingShot, nothing would prevent the Region from seeking that information directly from QFL.